

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

DEC 07 2018 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x BROOKLYN OFFICE

WILLIAM SAVARESE,

Plaintiff,

-against-

CITY OF NEW YORK, MATTHEW REGINA, and JOHN
and JANE DOE 1 through 10 Individually, (the names John
and Jane Doe being fictitious, as the true names are presently
unknown),

Defendants.
-----x

**STIPULATION AND
ORDER OF
SETTLEMENT OF
ATTORNEY'S FEES,
EXPENSES, AND COSTS**

17-CV-7429 (ILG) (ST)

WHEREAS, plaintiff William Savarese commenced this action by filing a
complaint on or about December 20, 2017, alleging that defendant City of New York violated his
federal civil and state common law rights; and

WHEREAS, defendant City of New York served plaintiff with an Offer of
Judgment pursuant to Fed. R. Civ. P. 68 on July 18, 2018; and

WHEREAS, plaintiff accepted defendant's Rule 68 Offer of Judgment on August
1, 2018; and

WHEREAS, all defendants deny any and all liability arising out of plaintiff's
allegations; and

WHEREAS, plaintiff's counsel represents that plaintiff has assigned all of his
rights to attorneys' fees, expenses, and costs to his counsel, Brett H. Klein, Esq.; and

WHEREAS, counsel for defendants and counsel for plaintiff now desire to
resolve the issue of attorneys' fees, expenses, and costs without further proceedings;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Defendant City of New York hereby agrees to pay plaintiff's counsel, Brett Klein, Esq., the total sum of Seven Thousand (\$7,000.00) Dollars in full satisfaction of plaintiff's claims for attorneys' fees, expenses, and costs. In consideration for the payment of Seven Thousand (\$7,000.00) Dollars, counsel for plaintiff agrees to release and discharge defendants City of New York, Detective Matthew Regina; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, expenses, and costs that were or could have been alleged in the aforementioned action.

2. Counsel for plaintiff hereby agrees and represents that no other claims for attorneys' fees, expenses, or costs arising out of this action shall be made by or on behalf of plaintiff in any application for attorneys' fees, expenses, or costs at any time.

3. Nothing contained herein shall be deemed to be an admission by defendants that it has in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules or regulations of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, except to enforce the terms of this agreement.

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4. This Stipulation and Order contains all the terms and conditions agreed upon by counsel for defendants and counsels for plaintiff hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of attorneys' fees, expenses, or costs shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

BRETT H. KLEIN, ESQ. PLLC
Attorneys for Plaintiff
305 Broadway, Suite 600
New York, NY 10007


By:



Brett H. Klein
Attorney for Plaintiff

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
*Attorney for Defendants City of New York
and Matthew Regina*
100 Church Street, 3rd Floor
New York, New York 10007

By:


Christopher G. Arko
Senior Counsel

Dated: New York, New York

12/7, 2018

SO ORDERED:

s/L. Leo Glasser, USDJ
HON. I. LEO GLASSER
UNITED STATES DISTRICT JUDGE